

NEWS RELEASE

The State of Montana and United States Intend to Seek Natural Resource Damages From Exxon for the July 2011 Yellowstone River Oil Spill

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CONTACTS: See list below

Governor Steve Bullock, along with the U.S. Department of the Interior (DOI), Co-Trustees for the natural resources owned by the public affected by the July 2011 Yellowstone River Oil Spill, announced today their decision to actively pursue potential recovery of natural resource damages from the ExxonMobil Pipeline Company (Exxon).

These damages would be sought under the federal Oil Pollution Act and State law for injuries to natural resources resulting from the oil spill. The decision is formally set forth in today's issuance of the "Notice of Intent to Conduct Restoration Planning – July 1, 2011, Yellowstone River Oil Spill" (NOI). Copies of this notice are available at the State and Federal contacts and on the internet sites specified below.

On July 1, 2011, a 12-inch diameter pipeline owned by Exxon crossing the Yellowstone River near Laurel, Montana, ruptured and discharged approximately 63,000 gallons of crude oil into the river and floodplain. Over 1,000 personnel engaged in the emergency oil cleanup along 85 river miles in the summer and fall of 2011. This cleanup was performed and funded by Exxon, with primary oversight by the U.S. Environmental Protection Agency and later by the Montana Department of Environmental Quality (MDEQ).

Since the oil spill, the State's Natural Resource Damage Program (NRDP), a bureau within the Montana Department of Justice (MDOJ), along with its Department of Fish, Wildlife & Parks (DFWP), and DOI's Bureau of Land Management (BLM) and Fish and Wildlife Service have been engaged in an investigation of the short and longer term effects of the oil spill, and related cleanup efforts, on the public's natural resources.

Based upon this initial investigation, the State and DOI have now made a determination that both the discharged oil and the activities to clean up the oil caused injuries to the public's natural resources, including fish and other aquatic organisms, birds (including migratory birds), wildlife, large woody debris piles, aquatic and terrestrial habitat, and the services provided by these natural resources, such as fishing and other human uses.

As a result of this determination and the issuance of the NOI, the Trustees will begin to more specifically assess and quantify the injuries to natural resources and loss of human uses, and determine the compensation they will seek from Exxon for causing these natural resource damages. The Trustees will prepare a restoration plan that will describe natural resource projects to restore the injured resources and compensate the public for their lost use. The public will have the opportunity for review and comment on the assessment of natural resource injuries and the restoration plan prior to its finalization.

The restoration plan will be prepared with the expectation that Exxon will pay for the implementation of plan's restoration projects. In the event that Exxon declines to pay for these projects, the Trustees may file litigation against Exxon in federal court to recover the natural resource damages.

Damages recovered for natural resource injuries and restoration are distinct from, and are in addition to, the \$1.6 million fine levied in February 2012 by MDEQ against Exxon for violations of Montana Water Quality Act.

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Internet Sites:

- <https://doj.mt.gov/lands/yellowstone-river-oil-spill/>
- <http://www.blm.gov/mt/st/en/info/yellowstonespill.html>